

REMARKS

Claims 2 – 20 are currently pending in the application. Claims 2 – 19 have been cancelled. Claim 1 has been previously cancelled. Claim 20 has been amended. No new matter has been added, support for the amendments being found throughout the specification and the claims as filed.

Any cancellation of the claims should in no way be construed as acquiescence to any of the Examiner's rejections and was done solely to expedite the prosecution of the application. Applicant reserves the right to pursue the claims as originally filed in this or a separate application(s).

Claim Rejections Withdrawn

The Examiner has considered applicant's arguments with respect to the 35 U.S.C. §112, written description rejection as persuasive and the rejection has been withdrawn.

The Examiner has withdrawn the 35 U.S.C. §102 rejections in light of the cancellation of claim 1.

Claim Rejections 35 U.S.C. §112, second paragraph

Claims 20 has been rejected under 35 U.S.C. §112, second paragraph, for alleged indefiniteness. Applicants respectfully traverse the rejection.

The Examiner argues that "(c)laim 20 recites a method of diagnosing risk of restenosis after coronary angioplasty in Japanese man, however, step (i) requires analyzing polymorphisms in a human nucleic acid sample (and) it is unclear if the sample is from the Japanese man or from any human, and it is further unclear how one accomplishes said method if the sample is not from a Japanese man." (Office Action, p.3).

As amended, claim 20 recites a method for diagnosing the risk of restenosis after coronary angioplasty in a Japanese man, comprising the steps (i) to (iii), where step (i) requires analyzing the following polymorphisms (1), (3) and (4) in a nucleic acid sample **from said Japanese man**. Accordingly, it is clear that the sample is from the Japanese man.

Applicants respectfully request withdrawal of the rejection and allowance of the claims.

Claim Rejections 35 U.S.C. §112, enablement

Claims 5 and 20 are rejected under 35 U.S.C. § 112 first paragraph for allegedly failing to comply with the enablement requirement. Applicants respectfully traverse the rejection.

The Examiner argues that "the specification, while being enabling for a method diagnosing the risk of restenosis after coronary angioplasty in a Japanese man" comprising steps (i) – (iv) as claimed "does not reasonably provide enablement for a method for diagnosing the risk of restenosis after coronary angioplasty in a human or Japanese man subject" comprising steps (i) – (iv) as claimed. (Office Action, p.4).

As discussed above, amended claim 20 recites a method for diagnosing the risk of restenosis after coronary angioplasty in a Japanese man, comprising the steps (i) to (iii), where step (i) requires analyzing the following polymorphisms (1), (3) and (4) in a nucleic acid sample **from said Japanese man**.

Accordingly, Applicants submit that the teachings of the specification and knowledge of one of skill in the art fully enables one of skill in the art to practice the scope of the claimed invention without having to resort to undue experimentation.

Applicants request that the rejection be reconsidered and withdrawn.

In view of the above amendment and reply, Applicants believe the pending application is in condition for allowance.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105.

Dated: May 22, 2008

Respectfully submitted,

By 
for James E. Armstrong, IV

Registration No.: 42,266
EDWARDS ANGELL PALMER & DODGE
LLP
P.O. Box 55874
Boston, Massachusetts 02205
(617) 239-0100
Attorneys/Agents For Applicant